

BakerHostetler

Baker&Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111

T 212.589.4200
F 212.589.4201
www.bakerlaw.com

Seanna R. Brown
direct dial: 212.589.4230
sbrown@bakerlaw.com

November 4, 2016

Helen Davis Chaitman
Chaitman LLP
465 Park Avenue
New York, NY 10022

Re: Profit Withdrawal Evidentiary Hearing, 08-1789 (SMB)

Dear Ms. Chaitman,

We represent Irving Picard (the “Trustee”), as Trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the substantively consolidated chapter 7 estate of Bernard L. Madoff.

In anticipation of the profit withdrawal evidentiary hearing, the Trustee filed a motion *in limine* on October 28, 2016 seeking to exclude the deposition testimony of Aaron Blecker, or, in the alternative, to conduct a trial deposition (the “Blecker Motion”). ECF No. 14356. We are cognizant of Mr. Blecker’s age, however, and propose that the parties reach a stipulation to resolve certain issues and alleviate any burden on Mr. Blecker to testify.

1. Admissibility of Mr. Blecker’s Document Production

Mr. Blecker produced documents to the Trustee on September 19, 2014 in connection with the inter-account transfer litigation bearing Bates labels BLKR000001-BLKR002258 (“September 2014 Production”). The September 2014 Production includes 2,558 pages of documents related to Mr. Blecker’s BLMIS accounts, including hundreds of customer statements, trade confirmations, and a limited number of other documents including portfolio management reports and debit memoranda. For your convenience, we have provided you with a disc containing the September 2014 Production along with this letter.

Since Mr. Blecker produced these documents and it is his burden to support his claim under SIPA, we do not anticipate that you would challenge their authenticity or admissibility,

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

Helen Davis Chaitman
November 4, 2016
Page 2

and believe that reaching a stipulation on these documents would be the most efficient way to proceed. Please advise if you agree to stipulate to the authenticity and admissibility of the documents contained in the September 2014 Production at the forthcoming evidentiary hearing.

2. Mr. Blecker's Handwritten Notes

Several hundred documents in the September 2014 Production include handwritten notes. As Mr. Blecker previously attested that he was solely responsible for handling his family's BLMIS investments, *see* Tr. of Aaron Blecker Dep. dated July 1, 2014 at 9:18-10:4, it is presumed that the handwriting on such documents belongs to Mr. Blecker. Schedule A that accompanies this letter provides a list of Bates references for the pages in the September 2014 Production that contain handwritten notes. Please verify that the handwriting appearing on the documents shown in Schedule A belongs to Mr. Blecker.

3. Physician's Letter

As addressed in the Blecker Motion, the burden to show that a witness is unavailable to testify rests with the party seeking to use deposition testimony in lieu of live testimony. Please provide a letter from Mr. Blecker's physician attesting to the fact that his health or age prevents him from testifying at trial. We would of course agree to keep this information confidential.

If you are willing enter into a stipulation regarding the information requested in paragraphs (1) – (3) above, we will withdraw the Blecker Motion. We look forward to hearing from you.

Sincerely,

/s/ Seanna R. Brown

Seanna R. Brown
Partner

Enclosures

cc: Amy E. Vanderwal

Schedule A

BLKR000001	BLKR000073	BLKR000141	BLKR000198	BLKR000262
BLKR000002	BLKR000075	BLKR000142	BLKR000199	BLKR000263
BLKR000003	BLKR000076	BLKR000143	BLKR000200	BLKR000264
BLKR000004	BLKR000077	BLKR000144	BLKR000204	BLKR000265
BLKR000005	BLKR000078	BLKR000145	BLKR000205	BLKR000268
BLKR000007	BLKR000079	BLKR000146	BLKR000206	BLKR000269
BLKR000008	BLKR000082	BLKR000149	BLKR000207	BLKR000270
BLKR000010	BLKR000085	BLKR000150	BLKR000208	BLKR000271
BLKR000012	BLKR000087	BLKR000151	BLKR000209	BLKR000272
BLKR000014	BLKR000089	BLKR000153	BLKR000211	BLKR000273
BLKR000016	BLKR000091	BLKR000154	BLKR000212	BLKR000274
BLKR000017	BLKR000093	BLKR000155	BLKR000213	BLKR000275
BLKR000018	BLKR000095	BLKR000156	BLKR000214	BLKR000276
BLKR000019	BLKR000097	BLKR000157	BLKR000216	BLKR000277
BLKR000020	BLKR000099	BLKR000158	BLKR000219	BLKR000278
BLKR000022	BLKR000101	BLKR000159	BLKR000221	BLKR000279
BLKR000024	BLKR000103	BLKR000160	BLKR000222	BLKR000280
BLKR000025	BLKR000104	BLKR000161	BLKR000223	BLKR000281
BLKR000026	BLKR000105	BLKR000164	BLKR000225	BLKR000282
BLKR000028	BLKR000106	BLKR000165	BLKR000226	BLKR000283
BLKR000031	BLKR000107	BLKR000166	BLKR000227	BLKR000284
BLKR000034	BLKR000108	BLKR000169	BLKR000228	BLKR000285
BLKR000036	BLKR000109	BLKR000170	BLKR000229	BLKR000286
BLKR000038	BLKR000110	BLKR000171	BLKR000230	BLKR000287
BLKR000040	BLKR000111	BLKR000172	BLKR000231	BLKR000288
BLKR000042	BLKR000115	BLKR000173	BLKR000232	BLKR000290
BLKR000044	BLKR000117	BLKR000174	BLKR000237	BLKR000291
BLKR000046	BLKR000118	BLKR000175	BLKR000238	BLKR000292
BLKR000048	BLKR000119	BLKR000178	BLKR000240	BLKR000293
BLKR000049	BLKR000120	BLKR000179	BLKR000241	BLKR000296
BLKR000050	BLKR000121	BLKR000180	BLKR000242	BLKR000297
BLKR000052	BLKR000122	BLKR000181	BLKR000243	BLKR000299
BLKR000053	BLKR000123	BLKR000183	BLKR000244	BLKR000300
BLKR000054	BLKR000125	BLKR000184	BLKR000245	BLKR000301
BLKR000055	BLKR000126	BLKR000185	BLKR000246	BLKR000302
BLKR000056	BLKR000127	BLKR000186	BLKR000247	BLKR000303
BLKR000058	BLKR000128	BLKR000187	BLKR000249	BLKR000304
BLKR000059	BLKR000129	BLKR000188	BLKR000250	BLKR000305
BLKR000061	BLKR000132	BLKR000189	BLKR000251	BLKR000306
BLKR000063	BLKR000133	BLKR000190	BLKR000254	BLKR000307
BLKR000065	BLKR000134	BLKR000191	BLKR000255	BLKR000308
BLKR000067	BLKR000137	BLKR000193	BLKR000256	BLKR000309
BLKR000069	BLKR000138	BLKR000194	BLKR000257	BLKR000310
BLKR000070	BLKR000139	BLKR000195	BLKR000259	BLKR000312

BLKR000071	BLKR000140	BLKR000196	BLKR000261	BLKR000313
BLKR000314	BLKR000373	BLKR000438	BLKR000507	BLKR000560
BLKR000318	BLKR000374	BLKR000440	BLKR000508	BLKR000563
BLKR000319	BLKR000375	BLKR000451	BLKR000509	BLKR000564
BLKR000320	BLKR000376	BLKR000463	BLKR000510	BLKR000565
BLKR000321	BLKR000377	BLKR000464	BLKR000511	BLKR000566
BLKR000322	BLKR000378	BLKR000465	BLKR000514	BLKR000567
BLKR000323	BLKR000379	BLKR000466	BLKR000515	BLKR000568
BLKR000324	BLKR000380	BLKR000467	BLKR000517	BLKR000569
BLKR000325	BLKR000381	BLKR000468	BLKR000518	BLKR000570
BLKR000326	BLKR000382	BLKR000469	BLKR000519	BLKR000571
BLKR000327	BLKR000383	BLKR000470	BLKR000520	BLKR000572
BLKR000328	BLKR000384	BLKR000471	BLKR000523	BLKR000573
BLKR000329	BLKR000387	BLKR000472	BLKR000524	BLKR000574
BLKR000331	BLKR000388	BLKR000473	BLKR000525	BLKR000575
BLKR000332	BLKR000389	BLKR000474	BLKR000526	BLKR000576
BLKR000333	BLKR000390	BLKR000475	BLKR000527	BLKR000577
BLKR000334	BLKR000392	BLKR000476	BLKR000528	BLKR000578
BLKR000336	BLKR000393	BLKR000477	BLKR000529	BLKR000579
BLKR000337	BLKR000394	BLKR000478	BLKR000531	BLKR000580
BLKR000338	BLKR000395	BLKR000479	BLKR000532	BLKR000581
BLKR000339	BLKR000396	BLKR000480	BLKR000533	BLKR000582
BLKR000340	BLKR000397	BLKR000481	BLKR000534	BLKR000583
BLKR000341	BLKR000398	BLKR000482	BLKR000535	BLKR000584
BLKR000349	BLKR000399	BLKR000483	BLKR000536	BLKR000586
BLKR000350	BLKR000400	BLKR000484	BLKR000537	BLKR000587
BLKR000351	BLKR000403	BLKR000485	BLKR000538	BLKR000588
BLKR000352	BLKR000404	BLKR000486	BLKR000539	BLKR000589
BLKR000353	BLKR000405	BLKR000487	BLKR000540	BLKR000590
BLKR000354	BLKR000409	BLKR000488	BLKR000541	BLKR000591
BLKR000355	BLKR000420	BLKR000489	BLKR000542	BLKR000592
BLKR000356	BLKR000421	BLKR000490	BLKR000543	BLKR000610
BLKR000357	BLKR000422	BLKR000491	BLKR000544	BLKR000611
BLKR000358	BLKR000423	BLKR000492	BLKR000545	BLKR000613
BLKR000359	BLKR000424	BLKR000493	BLKR000548	BLKR000614
BLKR000360	BLKR000425	BLKR000494	BLKR000549	BLKR000615
BLKR000361	BLKR000426	BLKR000496	BLKR000550	BLKR000616
BLKR000362	BLKR000428	BLKR000497	BLKR000551	BLKR000617
BLKR000365	BLKR000429	BLKR000498	BLKR000552	BLKR000618
BLKR000366	BLKR000430	BLKR000499	BLKR000553	BLKR000619
BLKR000367	BLKR000432	BLKR000500	BLKR000554	BLKR000620
BLKR000368	BLKR000433	BLKR000501	BLKR000555	BLKR000621
BLKR000369	BLKR000434	BLKR000502	BLKR000556	BLKR000622
BLKR000370	BLKR000435	BLKR000503	BLKR000557	BLKR000623
BLKR000371	BLKR000436	BLKR000505	BLKR000558	BLKR000624
BLKR000372	BLKR000437	BLKR000506	BLKR000559	BLKR000625

BLKR000626	BLKR000676	BLKR000724	BLKR001756	BLKR002479
BLKR000627	BLKR000677	BLKR000725	BLKR001757	BLKR002481
BLKR000628	BLKR000678	BLKR000726	BLKR001758	BLKR002484
BLKR000629	BLKR000679	BLKR000727	BLKR001760	BLKR002487
BLKR000630	BLKR000680	BLKR000728	BLKR001773	BLKR002488
BLKR000631	BLKR000681	BLKR000729	BLKR001781	BLKR002489
BLKR000633	BLKR000682	BLKR000730	BLKR001782	BLKR002490
BLKR000634	BLKR000683	BLKR000731	BLKR001783	BLKR002491
BLKR000635	BLKR000685	BLKR000732	BLKR001785	BLKR002493
BLKR000636	BLKR000686	BLKR000734	BLKR001786	BLKR002495
BLKR000637	BLKR000687	BLKR000735	BLKR001787	BLKR002496
BLKR000638	BLKR000688	BLKR000736	BLKR001788	BLKR002497
BLKR000639	BLKR000689	BLKR000737	BLKR001789	BLKR002499
BLKR000640	BLKR000690	BLKR000738	BLKR001790	BLKR002500
BLKR000641	BLKR000691	BLKR000739	BLKR001826	BLKR002501
BLKR000642	BLKR000692	BLKR000740	BLKR001827	BLKR002502
BLKR000644	BLKR000694	BLKR001286	BLKR001828	BLKR002505
BLKR000645	BLKR000695	BLKR001287	BLKR001829	BLKR002506
BLKR000646	BLKR000696	BLKR001288	BLKR001830	BLKR002509
BLKR000647	BLKR000697	BLKR001328	BLKR001831	BLKR002521
BLKR000648	BLKR000698	BLKR001369	BLKR001832	BLKR002526
BLKR000649	BLKR000699	BLKR001720	BLKR001833	BLKR002528
BLKR000650	BLKR000700	BLKR001721	BLKR001834	BLKR002529
BLKR000651	BLKR000701	BLKR001723	BLKR001835	BLKR002530
BLKR000652	BLKR000702	BLKR001724	BLKR001836	BLKR002531
BLKR000653	BLKR000703	BLKR001725	BLKR001837	BLKR002532
BLKR000655	BLKR000704	BLKR001728	BLKR001838	BLKR002533
BLKR000656	BLKR000705	BLKR001730	BLKR001839	BLKR002534
BLKR000657	BLKR000706	BLKR001731	BLKR001840	BLKR002537
BLKR000658	BLKR000707	BLKR001733	BLKR001841	BLKR002538
BLKR000659	BLKR000708	BLKR001734	BLKR001842	BLKR002539
BLKR000661	BLKR000709	BLKR001735	BLKR001843	BLKR002541
BLKR000662	BLKR000710	BLKR001736	BLKR001845	BLKR002547
BLKR000663	BLKR000711	BLKR001737	BLKR001850	BLKR002552
BLKR000664	BLKR000712	BLKR001738	BLKR001852	BLKR002554
BLKR000665	BLKR000714	BLKR001739	BLKR002012	BLKR002555
BLKR000666	BLKR000715	BLKR001742	BLKR002321	BLKR000675
BLKR000667	BLKR000716	BLKR001744	BLKR002322	BLKR000723
BLKR000668	BLKR000717	BLKR001745	BLKR002333	BLKR001754
BLKR000670	BLKR000718	BLKR001746	BLKR002360	BLKR002477
BLKR000671	BLKR000719	BLKR001747	BLKR002396	
BLKR000672	BLKR000720	BLKR001749	BLKR002472	
BLKR000673	BLKR000721	BLKR001751	BLKR002473	
BLKR000674	BLKR000722	BLKR001752	BLKR002476	

